

HOUSE BILL NO. 566

INTRODUCED BY F. ANDERSON, S. KERNS

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING REQUIREMENTS FOR SCHOOLS TO PROVIDE NOTICE TO PARENTS AND GUARDIANS PRIOR TO THE PROVISION OF HUMAN SEXUALITY INSTRUCTION; REVISING THE DEFINITION OF "HUMAN SEXUALITY INSTRUCTION"; ESTABLISHING A REMEDY FOR KNOWING, PURPOSEFUL, AND REPEATED VIOLATIONS; AMENDING SECTION 20-7-120, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-7-120, MCA, is amended to read:

"20-7-120. Excused absences from curriculum requirements -- notice -- prohibited activities.

(1) A parent, guardian, or other person who is responsible for the care of a child may refuse to allow the child to attend or withdraw the child from a course of instruction, a class period, an assembly, an organized school function, or instruction provided by the district through its staff or guests invited at the request of the district regarding human sexuality instruction. The withdrawal or refusal to attend is an excused absence pursuant to 20-5-103.

~~(2) Any school implementing or maintaining a curriculum, providing materials, or holding an event or assembly at which the district provides human sexuality instruction, whether introduced by school educators, administrators, or officials or by guests invited at the request of the school, shall adopt a policy ensuring parental or guardian notification no less than 48 hours prior to holding an event or assembly or introducing materials for instructional use.~~

~~(3)~~(2) A school district shall annually notify the parent or guardian of each student scheduled to be enrolled in human sexuality instruction in the district or school in advance of the instruction of:

- (a) the basic content of the district's or school's human sexuality instruction intended to be taught to the student; and
- (b) the parent's or guardian's right to withdraw the student from the district's or school's human

1 sexuality instruction.

2 ~~(4)(3)~~ A school district shall make all curriculum materials used in the district's or school's human
3 sexuality instruction available for public inspection prior to the use of the materials in actual instruction.

4 ~~(5)(4)~~ A school district or its personnel or agents may not permit a person, entity, or any affiliate or
5 agent of the person or entity to offer, sponsor, or furnish in any manner any course materials or instruction
6 relating to human sexuality or sexually transmitted diseases to its students or personnel if the person, entity, or
7 any affiliate or agent of the person or entity is a provider of abortion services.

8 ~~(6)(5)~~ (A) For the purposes of this section, "human sexuality instruction" means ~~teaching or otherwise~~
9 ~~providing information about~~ PUPIL INSTRUCTION THAT PRIMARILY FOCUSES ON human sexuality, including ~~intimate~~
10 ~~relationships,~~ human sexual anatomy, sexual reproduction, sexually transmitted infections, sexual acts, ~~sexual~~
11 ~~orientation, gender identity, abstinence, or contraception, or reproductive rights and responsibilities in a science~~
12 or health enhancement course in which, pursuant to federal law, students are separated by sex or are allowed
13 to be separated by sex for the instruction.

14 ~~(B)~~ THE TERM DOES NOT INCLUDE CLASSROOM DISCUSSION THAT ORIGINATES FROM A PUPIL AN EMPLOYEE
15 RESPONDS TO AS NECESSARY TO RESOLVE A POINT OF DISCUSSION RAISED BY THE PUPIL.

16 ~~(6)~~ IN ADDITION TO THE NOTICE REQUIRED IN SUBSECTION (2), A SCHOOL DISTRICT SHALL ADOPT A POLICY
17 TO ENSURE AN ANNUAL NOTICE IS AVAILABLE, INCLUDING AN ELECTRONIC LINK TO MATERIALS OR SUMMARIES OF
18 MATERIALS, CONSISTENT WITH COPYRIGHT LAWS, FOR:

19 ~~(A)~~ THE DISTRICT'S HEALTH ENHANCEMENT CURRICULUM, INCLUDING LESSON PLANS OR OTHER MATERIALS
20 USED FOR HUMAN SEXUALITY INSTRUCTION; AND

21 ~~(B)~~ A CALENDAR OF EVENTS OR ASSEMBLIES AT WHICH HUMAN SEXUALITY INSTRUCTION WILL BE
22 PROVIDED.

23 ~~(7)~~ THE SCHOOL DISTRICT SHALL PREPARE A SUMMARY OF THE DISTRICT'S HEALTH ENHANCEMENT
24 CURRICULUM. THE DISTRICT SHALL REVIEW AND PREPARE ANY UPDATES TO THE SUMMARY EACH YEAR. THE SUMMARY IS
25 PUBLIC INFORMATION AND IS SUBJECT TO THE PUBLIC'S RIGHT TO ACCESS THE INFORMATION PURSUANT TO 2-6-1003.

26 ~~(8)~~ A PERSON WHO KNOWINGLY, PURPOSELY, AND REPEATEDLY VIOLATES THIS SECTION MAY BE SUBJECT
27 TO DISCIPLINARY ACTION AGAINST THE PERSON'S TEACHER OR SPECIALIST CERTIFICATE BY THE BOARD OF PUBLIC
28 EDUCATION."

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2 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2023.

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